

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TIMOTHY COOLEEN, : CIVIL ACTION
Plaintiff :
: HON. SEAN McLAUGHLIN, USDJ
: HON. SUSAN PARSDISE BAXTER, USMJ
V. :
JOHN LAMANNA, et al, : NO. 04-63 ERIE
Defendants :
:

**NOTICE OF INTENT TO APPEAL PURSUANT TO FEDERAL RULES OF APPELLATE
PROCEDURE, IN ACCORDANCE WITH RULE 4(a)(1)(B)**

NOW COMES Timothy Cooleen, Plaintiff ,pro-se in the above captioned action to file this **NOTICE OF INTENT TO APPEAL** the judgement of Dismissal filed on August 30, 2005 in the District Court of Western Pennsylvania in accordance with FRAP, Rule 4(a)(1)(B) and in support thereof makes the following statement:

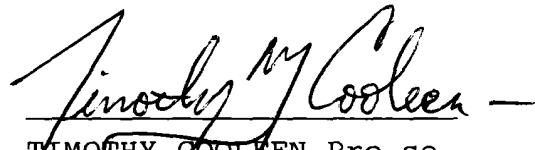
1. Plaintiff has alleged acts and omissions that constitute a Claim of Deliberate indifference, and believes the Dismissal of the above captioned case was made without valid basis according to precedent set in case law quoted throughout the proceedings.
2. Plaintiff is filing this Notice of Intent to Appeal, and is forwarding the appropriate filing fee within the 60 day time frame in accordance with Rule 4(A)(1)(B) of the FRAP, as the UNITED STATES and it's officers are parties to this Civil Action.
3. Pro-se Plaintiff reiterates his intent to prosecute his claim with all resources available to him. Plaintiff believes the Dismissal of the above captioned Civil Action was issued

contrary to precedents set forth ,not only in the Third Circuit,
but throughout the Circuits..

4. A limited but thorough list of objections (**PLAINTIFF'S
OBJECTIONS...**) filed on or about August 10,2005 illustrates the
reasons behind Plaintiff's Intent to Appeal.

RESPECTFULLY, Plaintiff Timothy Cooleen, pro-se files this
NOTICE OF INTENT TO APPEAL, and requests the Honorable Court's
patience as for upcoming timeframes as Plaintiff is scheduled
for open heart surgery on or about November 21,2005 to replace
a damaged Aortic Valve.

Respectfully submitted,



TIMOTHY COOLEEN, Pro-se
8777 Chautauqua Road
Fredonia, New York 14063

Dated : October 21st, 2005

CERTIFICATE OF SERVICE

I, Timothy Cooleen, Plaintiff pro-se, certify that on the undersigned date, a true, correct and complete copy of within Plaintiff's **NOTICE OF INTENT TO APPEAL** was served by United States First Class Mail upon the following :

Mary Beth Buchanan USA
Paul D. Kovac AUSA
Western District of Pennsylvania
700 Grant Street, Suite 400
Pittsburgh, PA. 15219



TIMOTHY COOLEEN

DATED: October 21st 2005